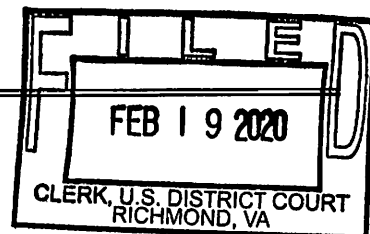


AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia



United States of America

v.

BRIAN DUSH KOSANOVICH

Case No.

3:20mj27

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/05/2019 through 2/18/2020 in the county of Chesterfield and City of Richmond in the Eastern District of Virginia, the defendant(s) violated:

Code Section

18 U.S.C. § 2422(b)

Offense Description

Coercion and Enticement

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Cedric Jefferson, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: February 19, 2020

Judge's signature

City and state: Richmond, Virginia

Douglas Miller, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Cedric Jefferson, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), United States Department of Justice, and have been so employed by the FBI since January 2015. I am currently assigned to the Richmond Field Office, Richmond, Virginia. I am assigned to the Child Exploitation Task Force that conducts investigations pertaining to child sex trafficking, child pornography, and child abductions. As part of my duties, I have received training regarding the investigation of various federal crimes including, but not limited to, child exploitation, complex financial crimes, civil rights and public corruption. By virtue of my FBI employment, I perform and have performed a variety of investigative tasks, including conducting arrests and the execution of federal search warrants and seizures. As a Special Agent, I am an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7).

2. I am thus an officer of the United States who is empowered by law to conduct investigations of, and make arrests for, offenses enumerated in Title 18, United States Code, Sections 2251, 2252, 2252A, and 2422 involving child exploitation offenses.

3. The statements in this affidavit are based in part on your affiant's investigation of this matter and on information provided by other law enforcement agents. I make this affidavit in support of a criminal complaint charging the following individuals, BRIAN DUSH KOSANOVICH, with Coercion and Enticement, in violation of 18 U.S.C. § 2422(b).

4. This affidavit is being submitted for the limited purpose to show merely that there is sufficient probable cause for the requested arrest warrant and does not set forth all of my



knowledge about this investigation. I have set forth facts that I believe are sufficient to charge KOSANOVICH with the criminal conduct set forth herein.

RELEVANT STATUTORY PROVISIONS

5. **Coercion and Enticement:** 18 U.S.C. § 2422(b) provides that whoever, using the mail or any facility or means of interstate or foreign commerce, knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be imprisoned not less than 10 years or for life.

6. **Taking Indecent Liberties with Children:** VIRGINIA CODE ANNOTATED § 18.2-370 provides that it is a Class 5 felony for a person 18 years of age or over, who, with lascivious intent, knowingly and intentionally commits any of the following acts with any child under the age of 15 years:

- a. (1) Expose his or her sexual or genital parts to any child to whom such person is not legally married or propose that any such child expose his or her sexual or genital parts to such person; or
- b. (3) Propose that any such child feel or fondle his own sexual or genital parts or the sexual or genital parts of such person or propose that such person feel or fondle the sexual or genital parts of any such child; or
- c. (4) Propose to such child the performance of an act of sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus or any act constituting an offense under § 18.2-3611; or
- d. (5) Entice, allure, persuade, or invite any such child to enter any vehicle, room, house, or other place, for any of the purposes set forth in the preceding subdivisions of this subsection.

1 VA. CODE ANN § 18.2-361, entitled "Crimes against nature," criminalizes bestiality as a Class 6 felony and incestuous sexual activity as a Class 3 or Class 5 felony, depending on the age of the child involved.

7. Use of Communications System to Facilitate Offenses Involving Children:

VIRGINIA CODE ANNOTATED § 18.2-374.3 provides that it is a Class 5 felony for “any person 18 years of age or older” to use a communications system,² including but not limited to computers or computer networks or bulletin boards, or any other electronic means, for the purposes of soliciting, with lascivious intent, any person he knows or has reason to believe is a child younger than 15 years of age to knowingly and intentionally” engage in any of the following acts:

- (1) Expose his sexual or genital parts to any child to who he is not legally married or propose that any such child expose his sexual or genital parts to such person;
- (2) Propose that any such child feel or fondle his own sexual or genital parts or the sexual or genital parts of such person or propose that such person feel or fondle the sexual or genital parts of any such child;
- (3) Propose to such child the performance of an act of sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus or any act constitution an offense under § 18.2-361; or
- (4) Entice, allure, persuade, or invite any such child to enter any vehicle, room, house, or other place, for any purposes set forth in the preceding subdivisions.

PROBABLE CAUSE

8. The FBI Richmond Division’s Child Exploitation Task Force located in Virginia conducted an undercover operation targeting subjects willing to travel in order to engage in sexual conduct with a minor. During the operation, online covert employees (OCE’s) used a covert social media account to pose as an adult intermediary who had access to a female minor. The OCE posted a profile on an online platform and subsequently responded to subjects who indicated a desire to meet with the female minor.

² Section 18.2-374.3 defines “use a communications system” to mean “making personal contact or direct contact through any agent or agency, any print medium, the United States mail, any common carrier or communication common carrier, any electronic communications system, the Internet, or any telecommunications, wire, computer network, or radio communications system.”

9. An OCE posted an undercover (UC) profile on "Alt.com." Alt.com is a network for members interested in alternative forms of sexual relationships and friendship. Users can bond over fetishes, kinks, and BDSM (Bondage, Discipline, Sadism, and Masochism), as well as explore the site's large stockpile of sexual videos, articles, and other content. The UC profile noted that the user was an adult female from Chesterfield, Virginia. It also included a list of kinks to include "Adult Breastfeeding," "Daddy/babygirl," "mom/son," "young/old," "Mommy/Daddy play," and "taboo family."

10. On November 14, 2019, an individual utilizing the username "bk11t" contacted the OCE through the UC profile on Alt.com. Username bk11t wrote, "Hi how are you nice profile i like sub girls moms daughters im very open with girls and have very few limits." The OCE responded, "im fine how are you? I think we might have a lot of the same interests." The bk11t profile stated that he was a 50-year-old male from Pittsburgh, Pennsylvania.

11. On November 15, 2019, bk11t wrote, "im ok that's cool hope we can talk." The OCE responded, "I'm on kik if you want to talk later." The username bk11t wrote, "eat17 on kik." The OCE provided bk11t with a Kik username. Shortly after that bk11t added the OCE as a contact on Kik.

12. Later that same day, the OCE and bk11t / eat17 continued their conversation via Kik, which is an online mobile messaging application used for instant messaging. During the chat session, the OCE purported to be a mother with access to her ten-year-old daughter. Kik user eat17 began a chat by writing, "Hi" and "I'm brian from alt." Highlights of their initial chat follow below:

eat17	"You single? Kids?"
eat17	"Any limits"
OCE	"I'm single and have a daughter"

OCE "As far as limits anything's fine as long as everyone consents and is having fun."

eat17 "How old is your daughter"

OCE "She's 10."

eat17 "Ok I'm cool with that."

eat17 "Have you 2 played together before"

OCE "We have"

OCE "Is that something you're into?"

eat17 "Yes I would be."

eat17 "How has she been used"

OCE "She's given and received oral mainly."

eat17 "When did she suck her first cock"

OCE "She was seven the first time she sucked cock."

After eat17 asked a series of questions about the OCE's daughter sexual experiences, eat17 requested to talk later because he was busy.

13. Later again on November 15, 2019, the following exchange transpired:

OCE "What would you want to do with my daughter and I?"

eat17 "Would use her mouth" [and] "Finger her" [and] "Have her use some toys on you."

* * *³

eat17 "Do you lick daughters pussy" and

eat17 "When do you want her pussy fucked"

OCE "I do lick her and use fingers I've used toys a few times"

³ When setting forth the exchanged messages between the OCE and eat17 in this affidavit, departures in the conversation from the subject of sex have been omitted as represented by the use of three asterisks.

OCE "Once she's comfortable with the toys I would be fine with her having sex."

* * *

eat17 "Ok"

eat17 "Does she lick you"

eat17 "Do you keep hair on your pussy"

OCE "She does and I do."

OCE "Would 10 be the youngest you have been with?"

eat17 "Yes" and "Think you 2 would be fun."

* * *

eat17 "How do you like to start"

OCE "When it was me and my ex we start by playing with each other and then working her in."

OCE "What would you want to do?"

eat17 "That sounds good to me."

After discussing the ten-year-old female's sexual experience, eat 17 and the OCE exchanged the following messages:

eat17 "Do you 2play often" and the

OCE "Usually a few times a month."

eat17 "Anything that you want to try"

OCE "We could try some toys."

eat17 "ok on you both"

OCE "absolutely."

eat17 "What have you used on her so far"

OCE "I've used a vibrator on the putside of her pussy and she's used one on me."

eat17 "Ok cool you want her to use dildo on you and on her" and "How far do you want to go in her"

OCE "Start with just the tip Sound good?"

eat17 "Yes."

14. A couple of days later on November 17, 2019, eat17 and the OCE had a lengthy exchange that follows below:

eat17 "Do you have pic"

OCE "Ok I'm not going to send pics until I'm really comfortable because what I'm into can get me in a lot of trouble."

Shortly thereafter, eat17 sent the OCE a photograph depicting a white male wearing sunglasses.

Later the conversation continued:

eat17 "Did you tell daughter hi"

OCE "I'll tell her hi."

eat17 "When do you think her pussy should be fucked"

eat17 "When did she take her first cum"

OCE "If she really likes you and you're gentle you could be the one to do that"

OCE "She was seven her first time."

eat17 "ok cool and cool how old now"

OCE "she's 10."

eat17 "Ok nice will enjoy you both."

eat17 "Have you played with her ass"

OCE "I haven't played with her ass."

eat17 "Ok so she may be ready for more."

After the OCE and eat17 discussed their sexual history, the conversation continued as follows:

eat17 "You dont want me to cum in her pussy"

eat17 "is she thin? Getting any little tits yet."

After eat17 described what he would do to the ten-year-old female, the conversation continued:

eat17 "You can show her my pic tell her I would love to play with you both," [presumably referring to the photograph of a white male he had sent earlier that day through Kik].

eat17 "Would like to teach her to fuck you hard with dildo"

eat17 "Have you put your fingers up inside her"

OCE "I have She didn't cum but she loved it."

eat17 "Ok great will finger her to will also play with her ass"

eat17 "She can watch me fuck you in your ass."

eat17 "You want dick pic"

OCE "Absolutely."

Shortly after that, eat17 sent the OCE a picture of a white male's penis on Kik. The highlights of their conversation that followed, minus brief unrelated comments, continue below:

OCE "Looks big to me"

eat17 "Thanks"

eat17 "You will both be able to take it"

eat17 "Hope she likes it too."

OCE "You want me to show it to her?"

eat17 "Yes if you want"

eat17 "I'm cool with that."

OCE "She thinks it's big too"

eat17 "Ok not that big does she want to play with it"

eat17 "I hope she will let it in her pussy."

eat17 "She want to suck it get cum"

eat17 "Ask if she will get naked for me"

OCE "She said she would."

OCE "Do you ever look at porn with underage girls?"

eat17 "Yes but can say if it was real or not can be hard to tell"

eat17 "Do you 2 watch it."

OCE "We haven't watched any porn together."

eat17 "Ok maybe we will together or make our own private watch together then delete"

OCE "Sounds great."

eat17 "Make her our little star."

eat17 "What toys do you have"

OCE "Just a vibrator"

eat17 "May have to shop lol."

eat17 "Dildo for sure maybe staton"

eat17 "Collar gag cuffs???"

eat17 "Lube for your ass"

eat17 "Any thing would would like to use"

OCE "If you wanted a collar that could be hot."

eat17 "One for each of you?"

OCE "Yes!!!"

OCE "Do you like using toys?"

eat17 "Would enjoy using them on you both and really like seeing you use on each other."

eat17 "Do you think she will like a little collar"

eat17 "She could pick her own"

OCE "I think she would think it's cute."

eat17 "Great" and "Will you look together for them"

OCE "We will Definitely do that online though."

OCE "Ok What do you do?"

eat17 "Fireman you ?"

OCE "I work at a nursing home."

After eat17 and the OCE discussed each other's occupations, the conversation returned to the topic of sex with the 10-year-old girl:

eat17 "Hope she lets me put cock part way in her"

OCE "As long as you are gentle she will probably let you"

eat17 "Ok will be."

15. A couple of days later on November 19, 2019, the following exchange occurred:

eat17 "If she lets me fuck her pussy condom?"

OCE "She hasn't started having periods yet so I guess you wouldn't need to but once she starts getting them you would have to have a condom on."

eat17 "Have you found any collars you both like"

OCE "Not yet It's harder than you think to find collars for adults and especially kids"

eat17 "She just needs a smaller version."

After discussing collars and various sex acts in general, the conversation returned to sex with the minor:

eat17 "Can't wait to see your pics"

OCE "I've been burned with that before so until we meet I'm not going to send any Once we meet and I know for sure you are a good truthful guy I'll send you anything you want"

OCE "And I can't send nude pics of Sarah because she's only ten I don't want her on the internet"

eat17 "Ok that's cool."

16. On November 20, 2019, eat17 wrote the OCE saying, "Look at Adam and Eve web site" so the OCE could look for sex toys. Later that day, eat17 wrote he lived in Pittsburgh and verified the OCE lived near Richmond, Virginia. Username eat17 wrote, "I would come there." When the OCE asked, "When?" eat17 replied, "Not sure might be after holidays or before."

17. On November 23, 2019, eat17 sent pictures of a thin pink dildo, a collar and a collar with nipple clamps from the adult online shopping site, www.lovehoney.com. Kik user eat17 wrote, "The site is love honey if you want a better look." As the conversation continued, eat17 believed he was talking with the ten-year-old daughter of the OCE "mom":

eat17	"Maybe we can all play together"
OCE (as daughter)	"Oh yeah."
eat17	"I sent your mom some pics did she show you"
OCE (as daughter)	"She did."
eat17	"Do you like to be licked"
eat17	"played with between your legs"
eat17	"Do you like to suck"
OCE (as daughter)	"I do."
eat17	"Yes I do I would like you to suck on me"
OCE (as daughter)	"Ya When"
eat17	"When ever you're mom wants to meet."
eat17	"Would you like to try having something in you"
eat17	"Between your legs"
OCE (as daughter)	"I've never done that Would it hurt"
eat17	"We would both make sure it didn't."

eat17 "What do you call place between your legs"
OCE (as daughter) "My pussy"
eat17 "Ok baby do you want to try cock in your pussy"
eat17 "Not just your mouth."
OCE (as daughter) "As long as u don't hurt me"
eat17 "Ok cool."

Later in the conversation, eat17 was led to believe that he was back to talking with the adult female, and the conversation continued:

eat17 "When you check out that stuff let me know"
OCE "It's the holidays so money is a little tight I don't want to spend a lot"
eat17 "I know though about a pre paid card that way I could pay but you order have it sent there."

18. On December 6, 2019, eat17 sent a picture of a white male's penis after writing, "Do you want a dick pic." After eat17 sent the picture, the following exchange occurred immediately thereafter:

eat17 "Just thought you 2 might like one"
eat17 "Hope she likes him"
* * *
eat17 "Think in should cum in her when fucking for first time what do you think"
OCE "If you want She's too young to get pregnant"
eat17 "Ok so good time for her to take some inside."

19. On December 15, 2019, the OCE and eat17 had a message exchange during which eat17 believed he was talking with the ten year old. Username eat17's conversation with the presumed minor was as follows:

eat17 "Do you want to try sex"

OCE (as daughter) "I'm so excited."

OCE (as daughter) "what should I call u"

eat17 "Brian if you want."

The conversation progressed such that eat17 believed he was back to talking with the adult female, continuing as follows:

eat17 "You could call me sometime"

OCE "Maybe I can give you a call while I'm at work"

eat17 "Ok I will be home"

eat17 "[REDACTED] 1128." (**Affiant's note:** within the context of the message, eat17 appeared to be providing his phone number)

20. On December 20, 2019, Kik username eat17 requested the OCE go to www.lovehoney.com to pick out sex toys. Their conversation continued as follows:

eat17 "Cool go to sex collars and leashes"

OCE "I typed in leashes and collars."

eat17 "Ok do you see sex and mischief black day collar"

OCE "I do"

eat17 "Ok cool I like that one for Sarah."

eat17 "Great next is Dominic deluxe leather collar with nipple clamps I like that for you."

eat17 "Now go to dildos"

eat17 "Basic slimline anal third row down"

OCE "The pink one?"

eat17 "Yes is that one ok for your ass and her pussy."

OCE "Was there anything else you were interested in?"

eat17 "The only thing you have to pick out are a pussy lube and anal lube one of each which ever ones you like."

eat17 "We get a prepaid visa and give you then numbers so you can order ok."

21. Several days later on December 29, 2019, Kik user eat17 and the OCE had a conversation, the highlights of which include the following:

eat17 "You can try calling if you want"

OCE "Kik deleted some messages What's your number again?"

eat17 "[REDACTED] 1128."

* * *

eat17 "Would you be interested in meeting up next month?"

eat17 "Around middle of month?"

eat17 "You will pick a place for us to meet"

OCE "Ok I'll pick a restaurant or bar so we can get a drink."

22. The next day on December 30, 2019, Kik user eat17 and the OCE had a conversation, the highlights of which include the following:

eat17 "Ok would let her use the dildo on you she can help lube it

eat17 "your she can fuck you with it"

eat17 "we can both finger you too"

eat17 "The will let her help put my dick in you"

eat17 "Sound good?"

OCE "Sounds perfect."

eat17 "Of course you will help me use dildo on her pussy"

OCE "But of course"

eat17 "Great we can also teach her to fuck herself with it"

eat17 "I will be using it on her too take turns licking her

eat17 "I will also put my dick in her mouth at times as we play."

23. On January 2, 2020, a different OCE (hereafter "the telephone OCE") made a recorded phone call with "eat17," who identified himself as "Brian." Shortly after the phone call was finished, eat17 messaged the primary OCE on Kik and wrote, "Hey was great hearing your voice today." Later in the day, eat17 sent two pictures of the front and back of a prepaid Visa card on Kik. Kik user eat17 wrote, "It's has 200 on do what ever you want with anything left over," and "Cool order when you have time I'm sure your busy getting ready for your trip."

24. On January 8, 2020, eat17 and the OCE had the following exchange:

eat17 "Would like to meet up soon"

eat17 "How about the week after next"

OCE "Works for me What days are you off that week?"

eat17 "Tell me what days work best for you and I will be off."

eat17 "What's close hotel"

OCE "That's smart Most of the nearby hotels are on Hull street road and midlothian turnpike If you put in midlothian, virginia a bunch will come up."

eat17 "Ok found a Hampton inn on hull street"

eat17 "3620 price club Blvd Midlothian."

25. On January 9, 2020, the OCE wrote, "I'm great I looked at mine and Sarah's schedule and the 23rd and 24th would be the best time." Kik user eat17 replied, "Ok sounds good let me check for sure."

26. On January 10, 2020, a law enforcement official placed an order on www.lovehoney.com for the sex toys that eat17 had picked out with the OCE, as well as two containers of personal lubricant that eat17 had suggested. The law enforcement official used the

Visa prepaid card that eat17 had provided to pay for the items. Later that day the OCE wrote, "I placed the order It should be here in five days."

27. On January 13, 2020, eat17 and the OCE had the following exchange of messages:

eat17	"Think shooting first load on her spread open pussy is a good way to start"
OCE	"Do you want to let it drip in?"
eat17	"It can after I cum on her you will lick her so you can decide when to start I will cum on her with her legs open then put my dick right in her mouth."

28. On January 14, 2020, eat17 wrote, "The reason I may not come till a week later is work I can take off but may need to work OT that week to cover car repair." The plan to meet was pushed to February 18, 2020.

29. On February 4, 2020, eat17 wrote, "Small change will be there on 18 so will be booking room for 18 and 19." Later, eat17 wrote, "Will stay at hotel we talked about."

30. On February 5, 2020, eat17 and the OCE had the following exchange of messages:

eat17	"How many loads of cum do you want me to put in her"
OCE	"As many as you can muster."
eat17	"lol"
eat17	"Guess it depends on how many times she opens her legs for me."

31. On February 11, 2020, the telephone OCE called eat17 at his request. The person who answered the phone identified themselves as Brian. During the phone call, Brian discussed multiple routes he may take to come visit the OCE.

IDENTIFICATION

32. Between November 14, 2019, and February 18, 2020, investigators obtained personally identifiable information from eat17's Alt.com profile and from information volunteered during the chat sessions on Kik. Username eat17 had revealed that he lives in Pittsburgh, Pennsylvania, that his first name is "Brian," that his phone number is [REDACTED]-1128 and that he is employed as a firefighter in the city of Pennsylvania. Agents also obtained a picture of the suspect from the chat sessions themselves. Upon receipt of this information, agents utilized open source and FBI databases to identify the suspect as BRIAN DUSH KOSANOVICH.

33. On January 14, 2020, investigators received subscriber data from T-Mobile for phone number [REDACTED]-1128. The results revealed the account belonged to BRIAN KOSANOVICH, registered on July 11, 1999.

34. A query of the Department of Motor Vehicles (DMV) database revealed that BRIAN DUSH KOSANOVICH holds a Pennsylvania Driver's License, with an address of record in Pittsburgh, Pennsylvania, that matches the address included in the T-Mobile subscriber records. The picture on BRIAN DUSH KOSANOVICH'S DMV record also appeared to be the same person from the picture eat17 sent during the chat sessions.

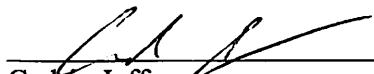
ARREST

35. On February 18, 2020, law enforcement arrested BRIAN DUSH KOSANOVICH when he appeared at the Chili's Restaurant located at 12231 Chattanooga Plaza, Midlothian, Virginia, which was the meeting spot arranged during messages between eat17 and the OCE. Investigators took KOSANOVICH into custody as he approached a vehicle in which the OCE had indicated they would be waiting.

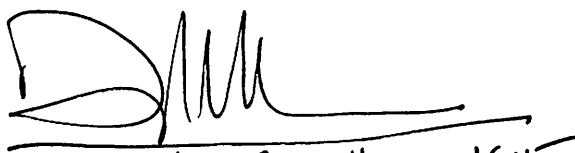
CONCLUSION

36. Based on the information detailed above, I respectfully submit there is probable cause to charge BRIAN DUSH KOSANOVICH with Coercion and Enticement, in violation of 18 U.S.C. § 2422(b).

Respectfully Submitted,


Cedric Jefferson
FBI Child Exploitation Task Force
Federal Bureau of Investigation

SUBSCRIBED and SWORN before me this 19th day of February 2020.


Douglas E. Miller, USMT